

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-011581

09/22/2011

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT

K. Skelton

Deputy

IN RE THE MARRIAGE OF
CHAD RANDOLPH FULLER

CHAD RANDOLPH FULLER
600 SHAWN RACHEL PKWY
HENDERSONVILLE NC 28792

AND

CLAUDINE NICOLE FULLER

CLAUDINE NICOLE FULLER
12608 N MOUNTAINSIDE DR # B
FOUNTAIN HILLS AZ 85268

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom OCH 201

Prior to the commencement of this proceeding, Chad Randolph Fuller and Claudine Nicole Fuller are sworn.

2:09 a.m. This is the time set for Establishment Hearing on Mother's Petition to Modify Parenting Time and Child Support. Petitioner/Father, Chad Randolph Fuller, is present on his own behalf, appearing telephonically. Respondent/Mother, Claudine Nicole Fuller, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court regarding parenting time and child support.

Based upon the matters discussed,

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The parties reach some agreements on a final orders basis, which is dictated into the record in the presence of both parties and which can generally be summarized as follows:

- Mother shall be the primary residential parent and shall have parenting time with the children except such times designated as Father's parenting time set forth herein.
- Father shall have parenting time as follows:
 1. Fall Break: In even-numbered years Father shall have parenting time with the children beginning with release from school on Fall Break, returning the children one day prior to their return to school.
 2. Thanksgiving Holiday: In even-numbered years Father shall have parenting time with the children beginning with release from school for the Thanksgiving holiday, returning the children one day prior to their return to school.
 3. Winter Break: In odd-numbered years Father shall have parenting time with the children beginning with release from school for winter break, returning the children on December 26th (Week One). In even-numbered years Father shall have parenting time with the children from December 26th, returning the children one day prior to their return to school (Week Two).
 4. Summer Break: Father shall be entitled to parenting time with the children every summer for not less than forty-two (42) consecutive days. This may be exercised at any time during their summer break, with the exception that Father return the children at least one week prior to the commencement of school. Father shall give Mother thirty (30) days notice as to when he intends to exercise his summer parenting time so that Mother may schedule summer activities with the children correspondingly.

Mother and Father both testify that they have heard, understood, and agree with the agreement as dictated into the record.

THE COURT FINDS that the parties have knowingly, intelligently, and voluntarily entered into a binding Rule 69 agreement, which will be enforceable by the Court.

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THE COURT FURTHER FINDS that the agreement entered into between the parties is not unfair, and is reasonable and in the best interests of the parties' minor children.

IT IS ORDERED approving the agreement of the parties as dictated into the record this date as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

Discussion continues with the Court regarding child support.

Chad Randolph Fuller, having previously been sworn, now testifies.

Claudine Nicole Fuller, having previously been sworn, now testifies.

Based upon the evidence and testimony presented,

The Court prepares a Child Support Worksheet.

Based upon the calculation of the Child Support Worksheet,

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Order signed by the Court this date, which the Court hereby incorporates and adopts as its findings with respect to child support.

THE COURT FURTHER FINDS it appropriate setting current child support in the amount of \$697.72 per month. Therefore,

IT IS ORDERED that Father shall pay to Mother the sum of **\$697.72** per month as and for temporary child support commencing November 1, 2011 and continuing on the same day of each month thereafter. Said amount is to be paid through the Support Payment Clearinghouse by Order of Assignment.

IT IS ORDERED approving and settling the formal written **Child Support Order** signed by the Court on September 22, 2011 and filed (entered) by the Clerk on September 22, 2011.

IT IS FURTHER ORDERED that any time an Order of Assignment is not paying the child support obligation in full, **Father** shall make full and timely payments directly to the Support Payment Clearinghouse in accordance with the "Instructions for Making Support Payments through the Clearinghouse" a copy of which is provided herewith.

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IT IS FURTHER ORDERED that **Father** shall provide a Current Employer Information Form, containing the name and address of **his** employer, to the Clerk of Court within 10 days of receipt of this Minute Entry. A Current Employer Information Form is provided herewith.

LET THE RECORD REFLECT an Order of Assignment is modified electronically by the above-named deputy clerk.

Discussion continues with the Court regarding travel expense reimbursement.

Based upon the matters discussed,

EVIDENTIARY HEARING SETTING

IT IS ORDERED that the parties shall meet (telephonically) and confer prior to November 2, 2011, regarding the remaining issue of travel expense reimbursement and attempt to settle the issue.

In the event the parties are unable to resolve the issue,

IT IS ORDERED setting this matter for **Evidentiary Hearing** on Travel Expenses on **November 2, 2011 at 10:30 a.m. to 11:00 a.m. (time allotted: 30 minutes)** before:

**Judge Christopher Whitten
Maricopa County Superior Court
125 W. Washington
OCH-Courtroom 201
Phoenix, AZ 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Each party will be allowed ½ of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the evidentiary hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

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1. Both parties shall exchange updated disclosure statements required by Rules 49 and 91 Arizona Rules of Family Law Procedure, including an exchange of all relevant information and documents by **October 14, 2011**.

2. All depositions and discovery contemplated by Rules 51 through 64, Arizona Rules of Family Law procedure, shall be **completed** no later than **October 21, 2011** (note that any written discovery must be provided far enough in advance of such date to allow for responses to be served in accordance with the Rules prior to the discovery cutoff).

3. The parties shall exchange all exhibits to be offered as evidence at trial no later than **October 28, 2011**.

4. Counsel and both parties shall personally meet, face to face, **five days prior to the hearing** to conduct settlement discussions, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

5. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information. If a party is forced to incur attorneys' fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of the hearing.

6. If child support or spousal maintenance is at issue, the parties shall exchange their three most recent pay stubs, two most recent tax returns, and any other documents reflecting their income no later than 10 days prior to the hearing. In proceedings involving child support, the parties shall also exchange information regarding the cost of medical, dental and vision insurance and daycare expenses for the parties' minor child(ren).

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice—Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. If child support or spousal maintenance is at issue, a current Affidavit of Financial Information completed by each party.

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2. If child support is at issue, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

4. If there is a disputed issue regarding the payment of attorneys' fees by either party, an affidavit of the attorneys' fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure. If attorneys' fees are claimed based on the alleged unreasonableness of the opposing party, the affidavit shall include only the amount of fees incurred as a result of the alleged unreasonable actions or positions.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(k), including proceeding to hear this matter by default based upon the evidence presented by the appearing party, or dismissal of the petition.

IT IS ORDERED that, if either party has exhibits (such as documents, photographs, or other items) that he/she wants the Court to consider as evidence at the hearing, he/she shall make arrangements with the Clerk of this Division (602-372-0754) to deliver the exhibits to this Courtroom by October 28, 2011 with a coversheet containing a description of each exhibit. Duplicate exhibits shall not be presented by the parties. DO NOT FILE EXHIBITS WITH THE CLERK OF COURT.

NOTE: We do not hold spots for supplemental exhibits.

IT IS FURTHER ORDERED that the parties shall set forth in the Joint Pretrial Statement all specific objections that will be made to any exhibit if offered at the hearing. Reserving all objections to the time of hearing is not permitted. Even if there are no objections to an exhibit, any exhibit that a party wishes the Court to consider must be offered individually at the hearing (an offer of exhibits "in bulk" will not be permitted) and its specific relevance to an issue in the case explained before the exhibit will be admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to

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trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement, they may submit a proper consent decree prior to the trial date or they may appear at the time of trial and place the agreements on the record. Alternatively, the Court may vacate the trial without one of those actions occurring upon the request of both parties or their counsel. However, **in the event that the trial is vacated under those circumstances, it will not be reset.** If the trial is vacated and an appropriate consent decree has not been provided to this division within 30 days of the scheduled trial date, the case will be dismissed.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

2:41 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/S/ JUDGE CHRISTOPHER WHITTEN

JUDGE CHRISTOPHER WHITTEN
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

CHAD RANDOLPH FULLER: Current Employer Information, Non IV-D Payment Instructions